FERRY COUNTY
RESOLUTION NO. 2014-24
ANENDING RESOLUTION 2010-19

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FERRY COUNTY, WASHINGTON:

WHEREAS, On November 7, 1972, the people of the State of Washington approved Initiative Measure No. 276, declaring public policy to be for the full access to information concerning the conduct of government; and

WHEREAS, Initiative Measure No. 276 is now codified as a portion of Chapter 42.56 of the Revised Code of Washington (RCW) and mandates broad disclosure of public records; and

WHEREAS, The Public Records Act (Chapter 42.56 RCW) and the Attorney General's Office Model Rules (Chapter 44-14 WAC) provide Counties the guidelines to : adopt rules of procedure consistent with the intent of the Public Records Act; provide full public access to public records; protect public records from damage or disorganization; and prevent excessive interference with essential County functions; and

WHEREAS, Ferry County desires to implement and ensure compliance with the provisions of the Public Records Act for the County's public records and for the benefit of the public.

WHEREAS, the Ferry County Public Records Officer is now the Prosecuting Attorney or designee.

NOW, THEREFORE, BE IT RESOLVED by the Ferry County Board of Commissioners, that the public records policy for Ferry County is and shall be hereby enacted and codified as a section of the County establishing the requirements for County departments, elected officials, boards and commissions for compliance with the Washington State Public Records Act and the official public records officer is now the Prosecuting Attorney or designee.

POLICY & PROCEDURES FOR PUBLIC RECORDS REQUESTS

Authority and Purpose of the Policy

1. Chapter 42.56 RCW, the Public Records Act ("act"), requires Ferry County to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Ferry County.

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2. The purpose of the act is to:
   a. Provide the public full access to identifiable records concerning the conduct of government, yet remaining mindful of individuals' privacy rights;
   b. Protect public records from damage or disorganization;
   c. Attempt to prevent excessive interference with essential governmental functions.
3. The purpose of these rules is to establish procedures and inform the public as to how Ferry County ("County") will give assistance in providing full access to public records. These rules incorporate best practices for compliance with the act and are based upon the Model Rules of the Washington State Attorney General.
4. All County departments, divisions, bureaus, boards, committees, commissions and officers will follow these procedures.

Public Records Officer – Contact Information

1. Any person wishing to request access to public records of Ferry County, or seeking assistance in making such a request should contact the public records officer of Ferry County:

   Public Records Officer
   Ferry County Prosecuting Attorney
   350 E. Delaware Ave. #11
   Republic, WA 99166
   (509) 775-5225 Ex. 2506

   Information is also available at Ferry County's web site at www.ferry-county.com

2. The public records officer will oversee compliance with the act but another Ferry County employee may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and Ferry County will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Ferry County.

Making a Public Records Request

1. Any person wishing to inspect or copy public records of Ferry County should make the request in writing on the County's request form, letter or by email addressed to the public records officer and included the following information:
   - Name of requestor;
   - Address of requestor;
   - Other contact information, including telephone number and any e-mail address;
   - Identification of the public records adequate for the public records officer or designee to locate the records;
   - The date and time of the request;
   - If the request is for a list of individuals, the requester will be required to sign under penalty of perjury that such information will not be used for commercial purposes.

2. A requestor must request an identifiable record or class of records. And identifiable record is one that is in existence at the time of the request and that agency staff can reasonably locate. An agency is not required to create a public record in response to a request. A request for information in general is not considered a request for an identifiable record.
3. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records with the Public Records Officer.
4. A form is available for use by requestors at the office of the public records officer and on-line at www.ferry-county.com.

Availability of Public Records

1. Public Records shall be inspected at the offices of the elected official or department having custody or control of the records. Public Records shall be available for inspection during normal working office hours; provided that there is no obligation to allow inspection immediately upon a demand. The Public Records officer or designee may request that the person seeking to inspect public records schedule an appointment for inspection. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy. (Refer to Costs of Providing Copies of Public Records).
2. The requestor must claim or review the assembled records within thirty days of Ferry County's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, Ferry County may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.
3. *Records Index:* Due to the number of elected offices and departments in the County, various software programs, various locations and methods of storing public record and lack of financial resources, Ferry County finds that maintaining an index of all County records is unduly burdensome and would interfere with agency operations. (Resolution No. 2010-01)
4. *Organization of records:* Ferry County will maintain its records in a reasonably organized manner. Ferry County will take reasonable actions to protect records from damage and disorganization. A requestor shall not take County records from County departments or offices without the permission of the public records officer or designee. A variety of records are available on Ferry County's web site at www.ferry-county.com. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

Processing of Public Records Requests

1. *Providing "fullest assistance".* Ferry County is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most request to be processed in the most efficient manner. The public records officer or designee may communicate with the requestor by letter or e-mail as may be appropriate.
2. *Acknowledging receipt of request.* Within five business days of receipt of the request, the public records officer will do one or more of the following:
   a. Make the records available for inspection or copying;
   b. If copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
   c. Provide a reasonable estimate of when records will be available; or
   d. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone, letter or e-mail. The public records officer or designee may revise the estimate of when records will be available; or
   e. Deny the request.
3. *Consequences of failure to respond.* If Ferry County does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.
4. *Protecting rights of others.* In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
5. *Records exempt from disclosure.* Some records are exempt from disclosure, in whole or in part. If Ferry County believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portion, and indicate to the requestor why portions of the record are being redacted.
6. *Providing copies of records.* After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
7. *Providing records in installments.* When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of

records or one or more of the installment, the public records officer or designee may stop searching for the remaining records and close the request.

8. *Completion of inspection.* When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Ferry County has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
9. *Closing withdrawn or abandoned requests.* When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay for the requested copies, the public records officer will close the request and indicate to the requestor that Ferry County has closed the request.
10. *Later discovered documents.* If, after Ferry County has informed the requestor that it has provided all available records, Ferry County becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited base.

Costs of Providing Copies of Public Records

1. *Costs for paper copies.* There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for a fee per page (Refer to Ferry County Schedule of Fees). Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing the installment. Ferry County will not charge sales tax when it makes copies of public records.
2. *Costs for electronic records.* The County will charge its actual cost for electronic copies of records on a floppy disk or CD-ROM, unless such records are unable to be converted to a standard format and must be printed. In which case standard document fees would apply.
3. *Cost of mailing.* Ferry County may also charge actual costs of mailing, including the cost of the shipping container.
4. *Payment.* Payment may be made by cash, check or money order to Ferry County.

Review of Denials of Public Records

1. *Petition for internal administrative review of denial of access.* Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of the decision. When applicable, the petition should include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.
2. *Consideration of petition for review.* The public records officer shall promptly provide the petition and any other relevant information to (public records officer's supervisor or other agency official designated by the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within five

business days following Ferry County's receipt of the petition, or within such other time as Ferry County and the requestor mutually agree to.

3. *Judicial review.* Any person may obtain court review of denials of public records request pursuant to RCW 42.17.340 at the conclusion of the five business days following the initial denial regardless of any internal administrative appeal.

Disclaimer of Liability

Neither the County nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the right of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall", nothing in this policy is intended to impose mandatory duties on the County beyond those imposed by state and federal law.

Severability

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstance shall not be affected.

APPROVED this 10th day of November, 2014.

FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON

Absent
MIKE BLANKENSHIP, Chairman

Brad L. Miller
BRAD L. MILLER, Vice Chairman

BRIAN DANSEL, Member

ATTEST:

Pamela L. Roberton
Pamela Stoddard, for
Clerk of the Board